IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO.5543 OF 2006
a/w Civil Application no.2066 of 2006

Sangli Bank Ltd, .. Petitioner.
Vs
Dattatray Anand Patkar & ors, .. Respondents

Mr Anil Shukla i/b M/s Shukla & Shukla, for the petitioner.
Mr Yogesh R Mehta, for respondent nos 1 and 4.

CORAM : D.B.BHOSALE,J.
DATE : 04.09.2006

PC:

1. Heard the learned counsel for the parties.

2. This petition is directed against the order dated 27.6.2006 passed on the application at Exhibit-80, by which the defence of the petitioner-defendant has been struck off for noncompliance of the earlier order by which he was directed to deposit certain amount. It appears that the order by which the rent was fixed and he was directed to deposit, was challenged by way of writ petition no.836 of 2004 and that writ petition was dismissed vide order dated 27.1.2004. While disposing of the writ petition, time to deposit that was granted by the trial court, was extended for a period of four weeks from the date of the order (dated 27.1.2004). That order was carried in L.P.A and the L.P.A was also disposed of as not maintainable vide order dated 28.6.2004. Admittedly, the amount was deposited on

23.1.2006. However, the defence was struck off on 7.6.2004. I perused the application as also the order. In the application, no explanation whatsoever was offered by the petitioner explaining the delay in depositing the amount. A litigant cannot take the court for granted that the court will condone the delay and allow him to defend suit as per his convenience. The petitioner ought to have deposited the amount within the time granted by this court while disposing of the writ petition by order dated 27.1.2004. To my mind, the court has rightly dismissed the application (Exhibit-80) for the reasons stated in the order. I see no reason to exercise the writ jurisdiction under Article 227 of the Constitution. No indulgence can be shown to such a litigant. The order impugned is just and proper. The writ petition, along with the civil application, is accordingly dismissed.

(D.B.BHOSALE,J.)